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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,550	01/25/2002	Richard E. Michaelson	3718611.04548	8841
29159	7590	03/17/2010	EXAMINER	
K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690			YOO, JASSON H	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			03/17/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/056,550

Applicant(s)

MICHAELSON, RICHARD E.

Examiner

Jasson H. Yoo

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-44, 46, 47, 51-53, 55, 56 and 60-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-44, 46, 47, 51-53, 55, 56 and 60-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/5/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 42, 51, 64 are objected to because of the following informalities: The specification lacks proper antecedent basis for the claim limitation of "activation period". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 42-44, 46-47, 51-53, 55-56, 60-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 42-44, 46-47, 51-53, 55-56, 60-66, incorporate the claim limitation of, "receiving an initial value amount from a player through an input device and, for a single game session". Applicant specification fails to describe the claim limitation of a single game session.

Claims 42-44, 46-47, 51-53, 54-56, 60-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. Claims 42-44, 46-47, 51-53, 54-56, 60-63 incorporate the claim limitation of, "automatically deduct one of the fees from the value total balance". Applicant's specification fails to disclose that the deduction of fees occur automatically.

Claims 42-44, 46-47, 51-53, 54-56, 60-63 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 42-44, 46-47, 51-53, 54-56, 60-63 incorporate the claim limitation of, "the value total balance being: separate from the initial value amount". Applicant's specification fails to disclose that the value total balance is separate from the initial value amount.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 46 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 42, 51 recite the limitation "the current value total balance". There is insufficient antecedent basis for this limitation in the claim.

Claims 46 and 55 recites the limitation "the at least one payout". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-44, 46-47, 51-53, 55-56, 60-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker'163 (US 6,077,163) in view of Walker'983 (US 6,012,983).

Claim 42. Walker'163 discloses a method of operating a gaming system including a plurality of instructions, said method comprising receiving an initial value amount from a player through an input device and for a single game session (credit balance, col. 4:6-26, 6:5-6, 14:55-65):

determining a value total balance of a plurality of credits, the value total balance being funded by the initial value amount (flat rate price 724, 514, in Figs. 2b, 5, 7);

causing at least one display device to display the value total balance of the credits the value total balance being (724 in Fig. 2b):

separate from the initial value amount (The flat rate price is purchased using player's credit account balance, and thus is separate, col. 7:39-54), and

divisible into a plurality of fees, each one of the fees being of an amount and including at least part of one of the credits (as indicated in 430 in Fig. 4 as value of

interval remaining, the fees are divisible so they can be deducted from the flat rate price. See also cols. 6:36-38, 12:31-60, 13:13-50. Walker'163 also discloses that fees are divisible so that portions of the fees can be added to the player's credit balance, col. 14:15-22);

causing at least one processor (210 in Fig. 2a) to execute the plurality of instructions to activate a game to be played one or more times during an activation period, the activation being divisible into a plurality of time intervals (722, 516 in Figs. 2b, 5, 7);

during the activation period for the single gaming session:

receiving a plurality of play inputs from the player (col. 4:5-10, 4:54-5:4);

in response to each one of the play inputs:

causing the at least one processor to execute the plurality of instruction to perform a play of the game; and providing at least one of a plurality of different outcomes based on the play of the game, at least one of the outcomes corresponding to an award, the award having an award value (cols. 3:67-4:26);

causing the at least one processor to execute the plurality of instructions to continue the activation period until one of a plurality of events occurs, the events including: a termination input received from the player (14:11-14); and

providing the current value total balance to the player in response to the termination input being received when the balance is above zero (the balance is added to the player's credit balance, col. 14:15-22).

Walker'163 discloses the claimed invention as discussed above but fails to disclose the following limitations:

for each one of the time intervals of the activation period, causing the at least one processor to execute the plurality of instructions to automatically deduct one of the fees from the value total balance, wherein the amount of the fee deducted is independent of any of the play inputs and the provided outcomes; and

causing the at least one processor to execute the plurality of instructions, to, for each one of the provided outcomes which corresponds to one of the awards, add the award value to the value total balance, and causing the added award to extend the activation period;

and the event including the value total balance falling bellow a minimum level required for any subsequent play of the game during the activation period.

Nevertheless the above limitations are implied or would have been obvious to one of ordinary skilled in the art.

Walker discloses the value remaining (430) is calculated and the interval remaining (516) is calculated to allow the player continue the flat rate play session (cols. 6:36-38, 12:31-60, 13:13-50), or be added to the player's credit balance (col. 14:15-22). Thus it is implied or would or would have been obvious to have fees deducted in intervals in order to calculate the value remaining and the interval remaining. Having the total value being divisible into a plurality of fees and the period of time being divisible into a plurality of time intervals will provide a specific fee or a specific time

interval. This will allow the remaining value and the remaining time interval to be evenly calculated. Furthermore, this will allow players to play intervals of the flat rate session. Playing at intervals of the flat rate session will allow the player to play a flat rate gaming session for a smaller fee for a smaller amount of playing time. Walker also discloses that the player can continue the play of the game until the countdown reaches zero (col. 12:52-55). The amount of time remaining also reflects the amount remaining in the value total (col. 13: 43-50). Thus a zero in the time remaining corresponds to a zero in the value total. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker's method of playing a flat rate playing session in order to evenly calculate the remaining value and the remaining time interval, and allow a player to play a flat rate gaming session for a smaller fee for a smaller amount of playing time.

Walker'163 discloses the claimed invention as discussed above but fails to teach that for each one of the provided outcomes which corresponds to one of the awards, the award value is added to the value total balance to extend the activation period. Nevertheless, it is well known in the art to use credits obtained from a winning outcome and apply the credit to extend one's gaming session. In an analogous art wagering games, Walker'983 discloses a method of playing automated play session, so that the game session is extended upon the occurrence of a limiting criterion (abstract). Walker'983 discloses that a player's game session is automated until a limiting condition such as a minimum level occurs (credit balance, col. 8:22-33, 8:56-62, 10:40-41) or a

manual termination (col. 8:65-67, 12:1-5). Walker'983 also discloses that a player balance is used to fund the automated gaming session (player balance 4446, col. 7:42-54) and payout awards are added to the same player balance (credit balance is increased by payout, col. 9:35-42). Walker'983 automated play session allows players to maximize his playing time on a selected gaming device (Walker'983, col. 2:29-36) by automatically extending a player's game session using credits obtained from winning payouts. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163's flat rate system, and incorporate Walker'983 automated play session in order to automatically extend a player's game session using credits obtained from winning payouts.

Claims 43, 52. Walker'163 discloses for each time interval the fees deducted are equal to each other (It is interpreted that each time interval corresponds to the countdown, and thus have equal intervals, col. 12:30-60. The fees correspond to the time intervals, and thus each fee is equal to each other. See col. 13:27-50).

Claims 44, 53. Walker'163 discloses each time interval is an equal interval of time (It is interpreted that each time interval corresponds to the countdown, and thus has equal intervals, col. 12:30-60).

Claims 46, 55, 65. Walker'163 discloses that the display device indicates the at least one payout (col. 4:20-22).

Claims 47, 56, 66. Walker discloses receiving a pause input during the game session; and stopping the deducting step at least temporarily in response to the pause input (Player can stop the session momentarily and continue at a later time. See cols. 13:13-42).

Claims 51 and 64. See rejection for claim 42 above. Furthermore, Walker'163 discloses a gaming system comprising: at least one display device; at least one input device; at least one processor (Figs. 2A-2B); and

at least one memory device which stores a plurality of instructions (cols. 3:67-4:5), which stores a plurality of instructions, which when executed by the at least one processor.

Regarding claim 64, see also claim 47 above.

Claims 60, 62. Walker discloses the balance is a time-varying balance [This balance is deducted as the player continues to play within the game play session. See rejection for claim 42 above.].

Claims 61 and 63. See rejection for claim 42 above.

Response to Arguments

Applicant's arguments with respect to claims 42-44, 46-47, 51-53, 55-56, 60-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor (US 2002/0132660) discloses a game session based on time intervals. The time intervals can be increased based winning game outcomes.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714